

Ann's comment: This section is the demand to bargain that the Union sent to Management.

NAGE Local R12-135 (the Union) believes that the Agency's intent to end all Office of Research and Development (ORD) operations in Las Vegas has the potential to adversely impact bargaining unit (BU) employees by this decision.

Specific concerns about this decision presented by the Union were:

- 1) While it is management's prerogative to set dates for attaining results, the suddenness of this decision has caught employees by surprise, and leaves them with few alternatives except to relocate if they are to keep their EPA positions and complete their plans for working additional years before retirement.
- 2) Because the timing of this decision was unexpected, there are substantial damages to employees that include immediate-family hardship, employees losing second jobs, spouses losing jobs, and separation of elderly parents from their adult children caregivers.
- 3) The email states "The drivers behind the decision are the continued pressure to reduce the amount of federally leased space by consolidating operations into federally owned space and to reduce our overall operational costs moving forward." It does not appear that the options of identifying Federally-owned space in Las Vegas for our use, or fitting into existing La Plaza C and D buildings' unused space were considered as alternatives. The cost of relocating all the staff across the country far exceeds the cost of paying for office space, that could in many cases be shared among employees teleworking.
- 4) While we respect the drivers of the decision, we would like to see the business plan that explores the costs of the proposed alternatives, breaking existing leases, etc., and considers the cost to the government of the relocation for all the employees.
- 5) It is unfair that there is a difference between research staff location options (Cincinnati and Research Triangle Park (RTP)) and administrative and computer staff location options (all NHEERL labs, Cincinnati, and RTP).
- 6) Apparently, the impact on ongoing research was not factored into this decision to close the facility by September 30, 2018. Impact on research is also not being factored into the selection of the relocation sites available.
- 7) We want to note that although filing a grievance is different from filing an EEO complaint, there are age discrimination issues resulting from this decision as 96% of the employees affected are over the age of 40 years.
- 8) Finally, we suspect this action may violate the Federal Water Pollution Control (FWPC) Act Amendments of 1972. Subchapter 1, Section 1254(e) of that Act specifically states that:

*"The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, **one in the southwestern area**, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training related to the prevention, reduction and elimination of pollution."* **Bold added.**

In response to these concerns, the Union offered the following proposals:

- 1) Allow staff to remain in Las Vegas and explore alternatives that would allow employees to occupy a smaller footprint in existing Federal space such as Foley Federal Building in downtown Las Vegas, or the Bureau of Reclamation offices in Boulder City.
- 2) Or, provide NERL staff the same options for relocation as the ORD/OARS and ORD/OSIM staff.
- 3) Consider current research activities in evaluating relocations for scientists; this could lead to co-location with NERL staff in Athens, Georgia; or with NHEERL staff in Corvallis Oregon, Gulf Breeze, Florida; or Duluth, Minnesota.
- 4) Extend the allowable employee departure date to the end of the calendar year 2025 as originally discussed at the All Hands Meeting when the move of the chemists was first announced.
- 5) Explore the available telework options currently in place. Telework offers many advantages in reducing the environmental management factors, and thus costs, as well as size, for a facility. In any case, full-time telework has been approved in numerous situations for ORD employees who have portable work.
- 6) All the affected employees are believed to have some, if not all, portable work. The existing individual PARS agreements provide metrics that can be used to evaluate performance. In the case of employees with need for laboratories, there will be some periods of time when telework will be an option for them, and that should be honored.
- 7) Since other EPA offices will have staff in Las Vegas, computer support contractors will be available to assist those teleworking.
- 8) To address the FWPC concerns, resurrect the building plans developed in 2015, and begin negotiations for an EPA-owned facility in the Las Vegas area via a BLM-owned-land transfer to EPA.

Ann's comment: This is the response from Management, received 4/26/2018.

The Union and management had several conversations regarding the above proposals. The Union stated that the above proposals did not need a further response to be provided in writing. On April 24, 2018, three additional concerns were raised, specifically:

- 1) The status of the Voluntary Early Retirement Authority (VERA) / Voluntary Separation Incentive Payments (VSIP) and the timeframe for which employees can expect to have this offer as has been delayed past when management originally expected it would occur.

Response: The Agency requested authorization to offer a VERA/VSIP to employees in Las Vegas who were being given directed-reassignments to other ORD locations; when this was announced the Agency believed, and still believes, that the VERA/VSIP was and is very likely to be approved. The Agency also sought to expedite the request in the hope of offering it to affected employees as soon as possible.

On March 4, 2018 the Agency submitted a package to the Officer of Personnel Management (OPM) and the Office of Management & Budget (OMB) for initial review. On March 26, 2018, OPM & OMB returned the package with their concurrence. The final version of the package was submitted on April 16, 2018; the Agency expects that the package will be

returned approved soon but cannot give an exact date. The Agency commits to keep the Union informed of all changes regarding the status of the VERA/VSIP approval progress.

- 2) Whether work and/or supervisors may change for employees who are taking the directed reassignment. Specifically, Tim Buckley, Director, Exposure Methods and Measurements Division, is scheduled to speak to the chemists in person on Thursday, April 26, 2018. In addition, current Principal Investigators (PIs) are wondering if they will be assigned to work under a PI in a capacity similar to a laboratory technician after the move to Research Triangle Park (RTP).

Response:

NERL management is interested in meeting with the chemists that have elected to move to RTP or Cincinnati to get a better understanding of their research interests. In general, NERL's PIs work independently. To move towards the model of minimizing the government footprint; some of NERL PIs that share a laboratory space; however, their work is still independent and one PI is not working under another.

In the near term, Brian Schumacher will remain in the management chain of the affected NERL laboratory based employees. NERL management plans on waiting to evaluate any changes that may be needed until after it is determined how many employees move to RTP or Cincinnati and/or choose the retirement option under the VERA/VSIP offer. Closer to October 1, 2018, the situation will be analyzed to include potential changes. If it is determined that changes are needed, this could result in a realignment to more equitably distribute employees across the organization; or a small reorganization, such as moving from six branches to five branches in Exposures Methods and Measures Division (EMMD).

- 3) The financial numbers for the business case for closing the lab in Las Vegas, Nevada to be provided to the Union.

Response: The Agency has carefully reviewed information regarding 4 major cost categories:

- Amount of leased space and cost to lease current space, which include:
 - University of Las Vegas (UNLV)
 - ~56,000 square feet; \$1.5 million annually
 - La Plaza EPIC
 - ~7,000 square feet; \$250 thousand annually
 - Warehouse space
 - ~11,000 square feet; \$100 thousand annually
- Operational costs which averages about \$1.6 million annually and include:
 - Operation & maintenance of leased facilities
 - Utilities
 - Contractor/Senior Environmental Employee (SEE) Support
 - Warehouse
 - Library

- Graphics
 - Working Capital Fund
- Employee relocation costs:
 - \$3 million for all staff
- Cost to Renovate La Plaza EPIC to accommodate NERL employees:
 - Estimated at \$250 to \$500 thousand

Overall, the cost analysis shows;

- Cost Implications of Decision to End ORD Operations in Las Vegas by September 30, 2018:
 - Reduces leased space and costs at La Plaza (EPIC)
 - Reduces annual operation costs in near term and eliminates annual operations costs in long term
 - Avoids renovation costs for EPIC space
 - Reduces future lease costs at new space
 - Increases employee relocation cost

In total, estimated cost savings \$4 million between now and 2025, with additional cost savings beyond 2025. The total savings may be greater than the estimate of \$3 million, depending on how many employees chose to move for the directed reassignment.